REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application.

Claim 23 stands rejected under 35 U.S.C. §112, first paragraph, as failing to meet the written description requirement. In addition to the specification section cited by the Examiner in the Office action, Applicant refers the Examiner to paragraph [0049] of the Substitute Specification that states:

> According to a special embodiment, the spacer portion is laid out in a manner that the fluid dynamics during the replication process is optimally controlled. For example, the spacer portion may comprise a plurality of spacers or a contiguous spacer portion arranged in one or several complete or incomplete borders or rings at the edge of an intended replication area (and at least partially surrounding it) to stop the flow or re-direct uncured replication material during the embossing process. This can be in particular required in order to prevent any replication equipment from contamination. In a more general form of this embodiment, such described "flow stop spacers" can also act to form isolated replication areas, as well as replication areas with holes (i.e. non-replicated parts) or arbitrarily defined outlines.

Applicant believes that this text fully supports the subject matter of claim 23 and asks the Examiner for an indication to this effect.

Claim 23 also stands rejected under 35 U.S.C. §112, second paragraph as being unclear. Applicant believes that the further description provided by paragraph [0049] of the Substitute Specification also clarifies the claim and, thus, requests reconsideration and withdrawal of the rejection of claim 23 under 35 U.S.C. §112, first and second paragraphs.

Claims 1, 18-21 and 23 stand rejected as being unpatentable over U.S. 5,575,962 to Takahashi (hereinafter Takahashi) in view of U.S. 5,543,108 to Bacher et al. (hereinafter Bacher) and further in view U.S. 6,231,094 to Uytterhaeghe et al. (hereinafter Uytterhaeghe). For the following reasons, the Examiner's rejection is

traversed. The references do not teach that for which they are cited, making the rejection flawed. Further, none of the references teaches manufacturing a plurality of optical elements, as required by the claims.

Regarding the specific teachings of the new primary reference to Takahashi, the Office action states that Takahashi teaches that spacer portion (50) protrudes from a replication surface and is used to impart a depression on a substrate. Applicant disagrees. Element 50 in Takahashi is not a spacer portion and in fact is not part of the mold taught by Takahashi. It is simply molding material. Further, element 70 is not a substrate, but rather a layer of etchable material that can adhere to a substrate.

The Office action also contradicts itself with respect to the Bacher reference, first stating that a replication tool with a spacer is not taught therein, but immediately thereafter referring to a spacer portion therein. Clarification of the office action is required, as the rejection is flawed. Additionally, the Office action makes no specific reference (by element number) to a spacer portion in Bacher.

Further, regarding Bacher, the Office action states (page 5, last paragraph) referring to Fig. 1 that a material component is in contact with a replication surface while the spacer portion abuts against a stop surface. This is also an incorrect interpretation of Bacher.

Regarding Uytterhaeghe, Applicant maintains that the reference fails to teach or suggest a spacer portion.

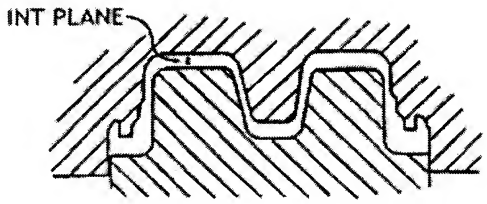
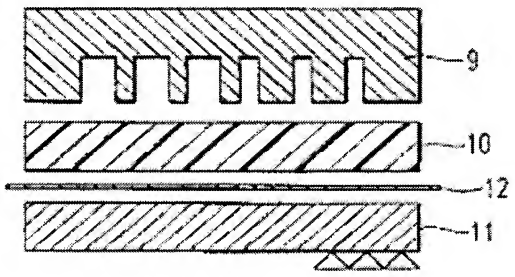


FIG. 3A

The Examiner refers to a "spacer" as a portion of the mold at the left or right end. None of these illustrated portions meet the requirements of the claimed spacer portion however. The spacer portion, as claimed is "arranged between structural features corresponding to different optical elements." The smaller protrusion illustrated does not meet this requirement because it is located directly above the bumper part. The larger portions which are on each end adjacent to and lower that the small protrusion technically are not between two parts, as only one part is illustrated. These portions also don't perform a spacing function. Rather, these portions simply close the mold off against the lateral sides.

Regarding the proposed combination of Bacher and Uytterhaeghe, assuming the molding tool 9 of Bacher (see below) is the replication surface of Applicant's claim 1, and element 10 the material component and the metal stamp 11 is a stop surface or substrate, there is no way that a spacer portion abuts against a stop surface in the proposed combination.

Fig. 1



First, the molding tool 9 of Bacher includes no spacer portion. Even if Uytterhaeghe were to teach the required spacer portion (which it does not) to the molding tool, such a spacer portion could not abut the metal stamp 11. If the spacer portion were added to either the left or right end of the molding tool 9, the spacer portion would not abut the metal stamp because the stamp is the same width as the tool (before adding the spacer). If the spacer portion were instead added somewhere within the present width of the molding tool, in order to contact the metal stamp (or foil 12) the finished part base body would be separated into two parts. This is not allowable as it can be seen in Figs. 2a-5 that the base body always has one single part.

In the applicant's invention, the spacer portion is of significant importance. The spacer portion helps define the height of the replication elements above the surface of the substrate to which it adheres, even if the replication tool is large and not fully dimensionally stiff. None of the cited reference address this situation.

The Office action's underlying interpretation of the references is flawed in many instances, as described above. Thus, the Office action rejections are should be withdrawn. Specifically Applicant requests reconsideration and withdrawal of the rejection of claims 1, 18-21 and 23 under 35 U.S.C. §103(a).

Further, Applicant disagrees with the Office action's reasons for combining the references Takahashi and Bacher. The Office action states that it would be obvious to use the impression method of Bacher in Takahashi because the impression method is safer. This conclusion is unfounded. Why would an impression method be any more or less safe than an etching method?

Claim 22 stands rejected under 35 U.S.C. §103(a) as being unpatentable

over Takahashi in view of Bacher and Uytterhaeghe and further in view of U.S. 6,716,754 to Hoffman. As previously stated, the Office actions interpretations of Takahashi, Bacher and Uytterhaeghe is flawed. These references do not teach that for which they are cited. Hoffman fails to cure the deficiencies in Takahashi, Bacher and Uytterhaeghe. Reconsideration and withdrawal of the rejection of claim 22 under 35 U.S.C. §103(a) is respectfully requested.

Claim 24 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Takahashi in view of Bacher and Uytterhaeghe and further in view of U.S. 2003/0105853 to Yang et al. As previously stated, the Office actions interpretations of Takahashi, Bacher and Uytterhaeghe is flawed. These references do not teach that for which they are cited. Yang et al. fails to cure the deficiencies in Takahashi, Bacher and Uytterhaeghe. Reconsideration and withdrawal of the rejection of claim 24 under 35 U.S.C. §103(a) is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. FRG-16141.

Respectfully submitted,

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